REMARKS

The Office Action mailed April 2, 2009 has been reviewed and reconsideration of the above-identified application is respectfully requested in view of the following amendments and remarks.

Claims 1-8 are pending and stand rejected.

Claims 1 and 6 are independent claims.

Claims 1-8 have been amended. Claims 10-19 have been added.

Claims 1-8 stand rejected under 35 USC 102(e) as being anticipated by Takahashi (WO2004/059648). In maintaining the rejection of the claims, the Office Action asserts "Takahashi discloses at least one area (21; DMWA) for disc management information and one area (14) comprising signals indicating that such area for defect management information is in use" and refers to Figures 2, 6 and 8.

Applicant respectfully disagrees with and explicitly traverses the rejection of the claims. However, in the interest of advancing the prosecution of this matter, the independent claims 1 and 6 have been further amended to recite "an area, associated with a first one of said at least one area" and "each one of said signals being related to a corresponding one of said at least one area for storing disc management information." No new matter has been added. Support for the amendment may be found at least on page 3, lines 9-15 and in Figure 4. Claim 6 has been further amended to recite "referencing each of said signals." No new matter has been added. Support for the amendment may be found at least on page 5, lines 3-5. In addition, the claims have been amended to recite the subject matter claimed in better form.

Takahashi discloses a write-once read-many (WORM) information recording medium that is capable of searching for a latest DDS and a latest defect list. At least one disc management working area is sequentially allocated in a predetermined direction on the WORM information recording medium. The latest defect list and the latest DDS are provided in a recorded disc management working area neighboring a border between the recorded disc management working area and an unrecorded disc management working

area, where the latest defect list precedes the latest DDS in the predetermined location. (see Abstract).

With reference to Figure 2, which is referred to in the Office Action, Takahashi discloses a data structure of the WORM disc, wherein a plurality of defect management areas (DMA) 10, 11, 12 and 13 are shown along with a temporary management area 20. The temporary management area 20 includes a plurality of defect management working areas 1-N, each of which is referred to as DMWA 21. Each of the defect management areas (e.g., 10) includes a disc definition structure 14 and a defect list 15 and each of the defect management working areas (e.g., #2) includes a defect list 15 and a disc definition structure 14. (see Figure 2). The DMWA 21 is used for temporarily recording defect management information which has been updated before the WORM disc is finalized. (see page 26, lines 26-21). Takahashi further discloses that the DMWA #1-#N are sequentially allocated from the beginning toward the end of the defect management area 20 (see page 27, lines 16-20). Also see page 28, lines 1-7 which state, "…the temporary defect management area 20 containing defect management working areas 21 may not be necessarily contained in the lead-in area 4. The temporary defect management area 20 may be contained in, for example, the lead-out area 6 or the spare area 17 excluding the user data area 16."

Figure 8, which is referred to in the Office Action, illustrates the filling (i.e., recording) of each DMWA in a sequential manner wherein each new filling is located at a border between a neighboring unrecorded DMWA and a recorded DMWA. (see page 40, lines 11-15). Figure 9 further illustrates a process for determining the next DMWA to be filled (i.e., next unrecorded DMWA).

In addition, Takahashi discloses that during the finalization process, the latest DMWA is then written into "each of the DMA1 to the DMA4." (see page 53, lines 1-2).

In rejecting the claims, the Office Action refers to the DDS 14 comprising signals indicating whether or not the areas for storing disc management information are in use. However, a review of Takahashi reveals that the DDS 14, which is contained in each DMA and DMWA, contains positional information indicating a beginning position at which the defect list is located. (see page 29, lines 15).

The DDS 14, thus, includes only information associated with the DMA or the DMWA containing the DDS. Takahashi fails to provide any teaching or disclosure that the DSS 14 of a DMA includes information associated with the DSS 14 of a DMWA or that the DSS 14 of a DMWA 21 includes information associated with the DSS 14 of a second DMWA 21.

Hence, Takahashi fails to provide any teaching regarding either a association among the DMWs and the DMWAs or among the DMWAs in the form of "an area, associated with a first one of said at least one area, comprising signals indicating which of said at least one area for storing disc management information is in use, each one of said signals being related to a corresponding one of said at least one area for storing disc management information," as is recited in the claims.

That is, assuming the DMAs are comparable to the claim element "at least one area" and a selected one of the DMWAs is comparable to the claim element "an area, associated with a first one of said at least one area, comprising signals …," Takahashi fails to disclose that the selected one of the DMWAs includes information associated with the DMAs. Rather, DMWA #1-#N are independent temporary management structures sequentially positioned on the recording medium including information associated with the respective DMWA and each DMWA does not include information regarding the DMAs.

Alternatively, assuming that the DMWAs 21are comparable to the claim element "at least one area" and that a selected one of the DMWAs is comparable to the claim element "an area, associated with a first one of said at least one area, comprising signals …," Takahashi fails to disclose any association of among the DMWAs. Rather, as noted previously, DMWA #1-#N are independent temporary management structures, sequentially positioned on the recording medium and each DMWA does not include information associated with another DMWA.

Accordingly, Takahashi fails to disclose the claim element of "an area, associated with a first one of said at least one area comprising signals corresponding to corresponding ones of said at least one area for storing disc management information," as is recited in the claims.

A claim is anticipated if and only if each and every element is recited in a single prior art reference.

In this case, Takahashi cannot be said to anticipate the subject matter recited in claims 1 and 6, as Takahashi fails to disclose at least one material element recited in these claims.

With regard to the remaining claims, these claims are dependent from the independent claims and, hence, these remaining claims are also allowable by virtue of their dependency upon an allowable base claim.

With regard to added claims 10-17, no new matter has been added. Support for new claims 10, 11, 18 and 19 may be found at least on page 3, lines 10-12 and page 4, line 30-page 5, line 5. Support for claim 12 may be found on page 1, lines 13-14. Support for claim 13 may be found at least on page 3, lines 13-15. Claims 14-16 are comparable to claims 10, 11 and 13, respectively. Support for claim 17 may be found at least in claim 1 and on page 2, lines 10-16.

For the amendments made to the claims and the remarks made herein, applicant submits that all the claims are allowable and respectfully requests that a Notice of Allowance be issued.

In the event the Examiner deems personal contact desirable in the disposition of this case, the Examiner is invited to call the undersigned attorney at the telephone given below.

No fees are believed necessary for the timely filing of this paper. However, the Examiner is authorized to charge Deposit Account No. 14-1270, if any fees are necessary for the incorporation of the additional claims.

Respectfully submitted,

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